IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5613 OF 2004

Joseph John Gonsalvez ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

....

Mr.Dushant Purekar Advocate for Applicant
Ms.Gauri Godse for Respondent nos.3 to 8
Mr.Y.S.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 9, 2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent nso.3 to 8 and the learned A.P.P. for the State.

2. The applicant is seeking two reliefs. The first relief is for quashing of chapter proceedings bearing No.5 of 2004 initiated by respondent no.2. The second relief is for reopening the proceedings under Section 145 of Code of Criminal Procedure bearing No. 152 of 2004 against respondent nos.3 to 8.

3. As far as the Chapter proceedings are concerned, an affidavit has been filed by P.S.I. Ugalmugale wherein it is stated that the chapter case has been dropped and today nothing is pending in respect of the chapter proceedings either before the police or before the respondent no.2 i.e. Special Executive Magistrate, Thane. In this view of the matter, the prayer of the applicant in respect of chapter proceedings becomes infructuous.

4. As far as proceedings under Section 145 of Cr.P.C. are concerned, today if there is still apprehension of breach of peace between the respective parties, the applicant would be at liberty to move the concerned authority with an application under Section 145 of Cr.P.C. If the authority is of the opinion that there is an apprehension of breach of peace today, after hearing the respective parties, he will pass such orders as deemed fit.

5. Application is disposed of.

[V.K.TAHILRAMANI,J]